



# House of Representatives

General Assembly

**File No. 391**

February Session, 2012

Substitute House Bill No. 5363

*House of Representatives, April 12, 2012*

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING INTERVIEWS OF CHILDREN BY THE  
DEPARTMENT OF CHILDREN AND FAMILIES DURING  
INVESTIGATIONS OF CHILD ABUSE AND NEGLECT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-101h of the 2012 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2012*):

4 Notwithstanding any provision of the general statutes, any person  
5 authorized to conduct an investigation of abuse or neglect shall  
6 coordinate investigatory activities in order to minimize the number of  
7 interviews of any child and share information with other persons  
8 authorized to conduct an investigation of child abuse or neglect, as  
9 appropriate. A person reporting child abuse or neglect shall provide  
10 any person authorized to conduct an investigation of child abuse or  
11 neglect with all information related to the investigation that is in the  
12 possession or control of the person reporting child abuse or neglect,  
13 except as expressly prohibited by state or federal law. The

14 [commissioner] Department of Children and Families shall obtain the  
15 consent of parents or guardians or other persons responsible for the  
16 care of the child to any interview with a child, except that such consent  
17 shall not be required when the department has a documented  
18 compelling reason to believe [such parent or guardian or other person  
19 responsible for the care of the child or member of the child's household  
20 is the perpetrator of the alleged abuse] that seeking such consent will  
21 place the child at imminent risk of physical harm. If consent is not  
22 required to conduct the interview, such interview shall be conducted  
23 in the presence of a disinterested adult unless immediate access to the  
24 child is necessary to protect the child from imminent risk of physical  
25 harm and a disinterested adult is not available after reasonable search.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2012	17a-101h
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**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

There is no fiscal impact to the Department of Children and Families (DCF) associated with changes to statute related to interviews of children by DCF during investigations of child abuse and neglect.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****sHB 5363*****AN ACT CONCERNING INTERVIEWS OF CHILDREN BY THE  
DEPARTMENT OF CHILDREN AND FAMILIES DURING  
INVESTIGATIONS OF CHILD ABUSE AND NEGLECT.*****SUMMARY:**

This bill requires all Department of Children and Families (DCF) employees, instead of only the commissioner, to get permission from a parent, guardian, or other person responsible for a child's care before interviewing the child as part of an abuse and neglect investigation. Current law allows DCF to conduct these interviews without consent when it has reason to believe that one of the individuals listed above or a member of the child's household is the alleged perpetrator. The bill instead allows DCF to do this only in situations where it has a documented, compelling reason to believe that seeking consent will place the child in imminent risk of physical harm.

EFFECTIVE DATE: October 1, 2012

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0 (03/26/2012)